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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,866	05/27/2005	Yasuhito Niikura	00862.521154.	4585
5514 7590 12/11/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
TSUL, WILSON W				
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2178				
MAIL DATE		DELIVERY MODE		
12/11/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/536,866

**Applicant(s)**

NIIKURA ET AL.

**Examiner**

WILSON TSUI

**Art Unit**

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-17, and 19-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-6, 8-17, and 19-21 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This final action is in response to the amendment filed: 09/22/08.
2. Claims 1-6, 8-17, and 19-21 are amended. Claims 7, 18, 22 – 24 are cancelled. Claims 1-6, 8-17, and 19-21 are pending. Claims 1, 12, and 21 are independent claims.
3. The following rejections are withdrawn, in view of new grounds of rejection necessitated by applicant's amendment:
  - Claims 1 – 6, 8-10, 12-17, 19, and 21-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Min et al, in view of Ambalavanar et al.
  - Claims 11 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Min et al, and Ambalavanar et al, in further view of Huttenlocher et al.

### ***Priority***

4. Acknowledgment is made of applicant's claim for foreign priority (with respect to foreign application: Japan 2004-090064 03/25/2004) under 35 U.S.C. 119(a)-(d). The certified copy of the priority document is confirmed to be received.  
Acknowledgment is made of applicant's claim for continuing data (with respect to the application being a 371 of PCT/JP05/05444 03/17/2005).

### ***Claim Objections***

5. Claim 19 is objected to because of the following informalities: The claim (19) depends upon a cancelled claim (cancelled claim 18), rather than a pending claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 6, 8-10, 12-17, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Min et al (US Application: US 2002/0120634, published: Aug. 29, 2002, filed: Dec. 7, 2000), in view of Wiley (US Application: US 2003/0081234, published: May 1, 2003, filed: Oct. 30, 2001), and further in view of Tohki (US Application: US 2003/0191871 A1, published: Oct. 9, 2003, filed: Mar. 21, 2003).

With regards to claim 1, Min et al et al teaches

*A data reception unit for receiving data of a first format for respective pages* (paragraph 0013: whereas data of a first image metadata is received)

*A data generation unit for generating the data of the first format into data of a second format* (paragraph 0013: whereas a decoder converts the first image metadata into a generic format).

*A control unit for generating a page data management record that manages the data of the first and second formats in association with each other* (paragraph 0014: whereas a generic format is part of the management data)

*A plurality of output processors, each for independently executing a respective output process for the data of the first format or the data of the second format (paragraph 0013: whereas each of a plurality of decoders are output processors, each executing a output /decoded process for page data independent from each other).*

However, Min et al does not teach at single page management unit, and *wherein said control unit deletes said page data management record if none of said plurality of output processors refers to said page data management record.*

Wiley teaches a *single* page management unit (page 4, paragraph 0043, lines 13-19: whereas "program code" corresponds to the "management section", and "Suitable program code may be provided for formatting the document 110 for each of the identified ... destinations". "In addition, the user need not rescan the document 110, and the document 110 may be sent to any of the different types of destinations" (such as facsimile and email)).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Min et al's management unit, such that the management unit manages more than one format of the same/single page, as taught by Wiley. The combination of Min et al and Wiley would have allowed Min et al to have "made it more convenient by reducing the time needed to send documents to different types of devices" (Wiley, paragraphs 0004, and 0005).

However, the combination of Min et al and Wiley do not expressly teach and *wherein said control unit deletes said page data management record if none of said plurality of output processors refers to said page data management record.*

Yet, Tohki teaches and *wherein said control unit deletes said page data management record if none of said plurality of output processors refers to said page data management record* (paragraphs 0016 - 0019: whereas, management storage data can be removed after output processor(s) is/are done using the data).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Min et al and Wiley's single page management record of multiple formats, such that a page data management record is deleted, if none of the output processors refer to said page management record, as taught by Tohki. The combination would have allowed Min et al to have "allowed desired image data to be easily found, such that image data is output in shorter time" (Tohki, paragraph 0011).

With regards to claim 2, which depends on claim 1, Min et al teaches *wherein said control unit generates said page data management record in a memory in response to reception of the data of the first format for respective pages* (paragraph 0014: generic format is created)

With regards to claim 3, which depends on claim 1, the combination of Min et al, Wiley, and Tohki similarly teaches *wherein said control unit monitors storage states of the data of the first and second formats in a memory, in a memory, and deletes the first or second page data in accordance with the storage states and a reference state by the plurality of output processors*, as similarly explained in the rejection for claim 1, and is rejected under similar rationale.

With regards to claim 4, which depends on claim 3, Min et al teaches wherein when an output processor issues an instruction of an output process after the data of the first format is deleted, said control unit controls said data generation unit to generate data in an output format suited to the output process from the data of the second format (paragraph 0013, 0014: whereas after first native format, a generic format is used, and then output is produced that is suitable to the requesting application/output application (paragraph 0038). Additionally, the generic format is deleted (as similarly explained in the rejection for claim 1), and the output format suited to an output format of the output processor (as also explained in Min et al, paragraph 0046 and 0047).

With regards to claim 5, which depends on claim 4, Min et al, and Wiley teaches *wherein said control unit causes said page data management record to manage the data of the output format in association with the data of the second format* as similarly explained in the claim rejection for claim 1 (whereas the output format requires a different /second format as realized by management unit), and is rejected under similar rationale.

With regards to claim 6, which depends on claim 5, the combination of Min et al, Wiley, and Tohki teaches *wherein upon completion of use of the data of the output format by the output processor, said control unit releases information of the data of the output format from said page data management record*, as similarly explained in the

rejection for claim 1 (whereas the page management record is deleted/removed), and is rejected under similar rationale.

With regards to claim 8, which depends on claim 3, Min et al teaches *wherein when said control unit determines that storage of the data of the first format in the memory is complete, said control unit permits said data generation unit to start a data generation operation of the data of the second format from the first format* (paragraph 0013: whereas, upon storage of the data of the first format, the control process proceeds to perform data conversion/generation from first format to the second format)

With regards to claim 9, which depends on claim 3, Min et al teaches *wherein said control unit monitors completion of the generation operation of said data generation unit and a storage state of the data of the second format in the memory, and permits a predetermined process for the data of the second format to execute in accordance with the storage state* (paragraph 0013, 0014, 0035, whereas upon completion of the conversion process, such that the second format is stored in memory, a predetermined process such as the predetermined process to execute/retrieve stored second format data by use of an abstraction interface is implemented).

With regards to claim 10, which depends on claim 9, Min et al, Wiley, and Tohki teaches *wherein a separate page data management record is generated for data of each page received by said data reception unit, and when data including a plurality of*



*pages are received, said control unit causes the plurality of said page data management records to manage the first and second page data while associating respective pages with each other* (as similarly explained in the rejection for claim 1, Wiley manages a plurality of formats for a single page, and Tohki teaches page management data, which can be deleted. Furthermore, Tohki's page management data references one or more pages as shown in Fig. 4)

With regards to claim 12, for a data processing method for processing data for respective pages, similar to the method performed by the apparatus of claim 1, is rejected under similar rationale.

With regards to claim 13, which depends on claim 12, for performing a method similar to the method performed by the apparatus in claim 2, is rejected under similar rationale.

With regards to claim 14, which depends on claim 12, for performing a method similar to the method performed by the apparatus in claim 3, is rejected under similar rationale.

With regards to claim 15, which depends on claim 14, for performing a method similar to the method performed by the apparatus in claim 4, is rejected under similar rationale.

With regards to claim 16, which depends on claim 15, for performing a method similar to the method performed by the apparatus in claim 5, is rejected under similar rationale.

With regards to claim 17, which depends on claim 16, for performing a method similar to the method performed by the apparatus in claim 6, is rejected under similar rationale.

With regards to claim 19, which depends on claim 18, for performing a method similar to the method performed by the apparatus in claim 10, is rejected under similar rationale.

With regards to claim 21, for a computer program for making a computer execute a data processing method of claim 12, is rejected under similar rationale as the rejection for claim 12 above.

7. Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Min et al (US Application: US 2002/0120634, published: Aug. 29, 2002, filed: Dec. 7, 2000), and Wiley (US Application: US 2003/0081234, published: May 1, 2003, filed: Oct. 30, 2001), and further in view of Tohki (US Application: US 2003/0191871 A1,

published: Oct. 9, 2003, filed: Mar. 21, 2003), in further view of Huttenlocher et al (US Patent: 5,884,014, issued: Mar. 16, 1999, filed: May 23, 1996).

With regards to claim 11, which depends on claim 1, Min et al teaches *wherein first format is one of a plurality of data formats including JPEG data (paragraph 0040), and the second format* (as similarly explained in the rejection for claim 1, and is rejected under similar rationale).

However, Min et al does not expressly teach the data of the second format *has a JBIG data format*.

Huttenlocher et al teaches the second format *has a JBIG data format* (column 26, lines 42-52: whereas JBIG is a secondary format through conversion).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Min et al's second format, such that it would have been a JBIG data format, as taught by Huttenlocher et al. The combination of Min et al, Wiley, Tohki, and Huttenlocher et al would have allowed Min et al to have "implemented a known encoding technique" (Huttenlocher, column 4, lines 20-25).

With regards to claim 20, which depends on claim 12, for performing a method similar to the method performed by the apparatus of claim 11, is rejected under similar rationale.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-6, 8-17, and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **WILSON TSUI** whose telephone number is (571)272-7596. The examiner can normally be reached on **Monday - Friday**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Stephen Hong** can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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